

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:14-cr-0003-SEB-TAB-1
)	
RUFUS EUGENE GUNN, III,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On December 22, 2015, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on June 9, 2015, the supplemental petition filed on July 1, 2015 and the second supplemental filed on October 16, 2015. Defendant Gunn appeared in person with his appointed counsel, William Dazey. The government appeared by James Warden, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Troy Adamson.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Gunn of his rights and provided him with a copy of the petition. Defendant Gunn waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Gunn admitted violation 7. [Docket No. 34.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

7 **“The defendant shall not commit another federal, state, or local crime.”**

On July 30, 2015, the offender was arrested in Kalamazoo, Michigan, for assault on a police officer/resisting/obstructing. On October 5, 2015, Mr. Gunn pled guilty to assault of a police officer/resisting/obstructing, and being a habitual offender, both felonies. The offender was sentenced in cause number 2015-1054-FH to 74 days in jail with credit for 67 days. He was released to the U.S. Marshal in Michigan on October 12, 2015.

4. The Government orally moved to dismiss violations 1 through 6 and the Court granted the same.

5. The parties stipulated that:

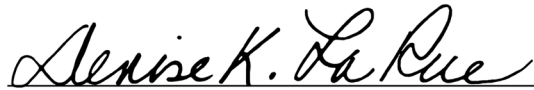
- (a) The highest grade of violation is a Grade A violation.
- (b) Defendant’s criminal history category is V.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 24 months’ imprisonment.

6. The parties jointly recommended a sentence of 18 months in the Federal Bureau of Prisons with no supervised release to follow.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of 18 months with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge’s action on this Report and Recommendation. The Court will make a recommendation of placement closest to Indianapolis at the lowest security facility available.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: 12/23/2015

A handwritten signature in cursive script, reading "Denise K. LaRue", is written over a horizontal line.

Denise K. LaRue
United States Magistrate Judge
Southern District of Indiana

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